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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,612	08/30/2000	John Underwood	730301-2014	4359
20999	7590	01/12/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				LUDWIG, MATTHEW J
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/652,612	UNDERWOOD ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Matthew J. Ludwig	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 July 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16, 18-34 and 36-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 36, 40 and 42 is/are allowed.
- 6) Claim(s) 1-16, 18-34, 37-39 and 41 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

1. This action is responsive to communications. Amendment filed 7/20/04.
2. Claims 1-16, 18-34, and 36-42, are pending in the application. Claims 1, 18, 19, and 36-42, are independent claims.
3. The rejection of claims 1-16, 18-34, 37-39, and 41, under 35 U.S.C. 103 (a) as being unpatentable over Bernardo, remain rejected pursuant to Applicant's incorporation of dependent claims. However, the rejection of claims 36, 40, and 42, under 35 U.S.C. 103 (a) as being unpatentable over Bernardo has been withdrawn pursuant to the Applicant's argument.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-16 and 18-34, 37-39, and 41, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernardo et al., USPN 6,304,886 filed (6/19/98).**

**In reference to independent claim 1,** Bernardo teaches:

- Options or features, which enable the site creator to select from a plurality of options/features available for the web site layout (compare to "*presenting a prompt for data entry and receiving a data entry in response to the prompt*"). See column 2, lines 22-26.

- Based on the option/features selected, the tool determines which of the stored templates are to be used and the user is prompted to supply data to populate those fields

(compare to “*presenting one additional prompt for data entry that is determined at least upon the received data entry*”). See column 2, lines 33-39.

- The tool uses the templates and user supplied data to create the web pages that make up a web site (compare to “*determining one characteristic for each of one or more web site dimensions in response to the data entry and the additional data entry in response to each of the at least one additional prompt*”). See column 2, lines 35-40.

- The tool has an application assembler module that combines the templates for the selected features/options with data input by the site creator to generate web pages to thereby construct a complete web site (compare to “*generating a description of the web site based upon the one or more determined characteristics for each of the one or more web site dimensions*”). See column 6, lines 1-5.

- The reference discloses the creation of links to other pages, which suggests the designation of one or more web page component applications for the web site in accordance with at least one of the data entry and the additional prompts (compare to “*designating one or more web page component applications for the web site in accordance with at least one of the data entry and the additional data entry in response to each ...*”). See column 9, lines 1-14.

The Bernardo reference does not explicitly disclose a description file of the final web site, as claimed. However, since Bernardo uses a created web page for further customization of a web site utilizing user data, the web page provides the claimed equivalent of a description file describing how to utilize said data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

have employed the web techniques of Bernard for providing the user the added benefit of a customized web page based upon prompts and data entry techniques

**In reference to dependent claim 2,** Bernardo teaches:

One area may be “company information.” A template corresponding to this feature may include certain text and HTML formatting components for a Web page for this area, with fields for company name, address, contact person, etc. See column 5, lines 59-63.

**In reference to dependent claim 3,** Bernardo teaches:

Provides a screen from which the user is prompted to decide on the options for the design of the web page, for example, by selecting colors, background images, frame styles, and logos (compare to “web site data is positioned on the website based upon one data entry and the additional data entry”). See column 8, lines 7-13.

**In reference to dependent claim 4,** Bernardo teaches:

Provides a screen from which the user is prompted to decide on the options for the design of the web page, for example, by selecting colors, background images, frame styles, and logos (compare to “*web site data is positioned on the website based upon one data entry and the additional data entry*”). See column 8, lines 7-13.

**In reference to dependent claim 5,** Bernardo teaches:

The features/options may pertain to those found on web sites or other features/options. For example, the features/options may include a list of site areas, Web pages to include in a Web site, web page formatting options, etc. See column 6, lines 35-44.

**In reference to dependent claims 6-9, Bernardo teaches:**

Component applications utilized for providing the customization of a web site and the pages within said web site. The reference discloses a calendar application for further automation of various tasks. See column 8, lines 40-55.

**In reference to dependent claim 10 & 11, Bernardo teaches:**

The features/options may pertain to those found on web sites or other features/options. For example, the features/options may include a list of site areas, Web pages to include in a Web site, web page formatting options, etc. See column 6, lines 35-44.

**In reference to dependent claims 12-16, Bernardo teaches:**

Component applications utilized for providing the customization of a web site and the pages within said web site. The reference discloses a calendar application for further automation of various tasks. See column 8, lines 40-55.

**In reference to independent claim 18, Bernardo teaches:**

- Options or features, which enable the site creator to select from a plurality of options/features available for the web site layout (compare to "*presenting a prompt for data entry and receiving a data entry in response to the prompt*"). See column 2, lines 22-26.

- Based on the option/features selected, the tool determines which of the stored templates are to be used and the user is prompted to supply data to populate those fields (compare to "*presenting one additional prompt for data entry that is determined at least upon the received data entry*"). See column 2, lines 33-39.

- The tool uses the templates and user supplied data to create the web pages that make up a web site (compare to "*determining one characteristic for each of one or more web site dimensions in response to the data entry and the additional data entry in response to each of the at least one additional prompt*"). See column 2, lines 35-40.

- The tool has an application assembler module that combines the templates for the selected features/options with data input by the site creator to generate web pages to thereby construct a complete web site (compare to "*generating a description of the web site based upon the one or more determined characteristics for each of the one or more web site dimensions*"). See column 6, lines 1-5.

The Bernardo reference does not explicitly disclose a description file of the final web page, as claimed. However, since Bernardo uses a created web page for further customization utilizing user data, the web page provides the claimed equivalent of a description file describing how to utilize said data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the web techniques of Bernardo for providing the user the added benefit of a customized web page based upon prompts and data entry.

**Claims 19-34, and 37,** reflect the system comprising steps used for performing the methods as claimed in claims 1-16, and 18, and in further view of the following, is rejected along the same rationale.

**Claims 38** reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 1, respectively, and in further view of the following, is rejected along the same rationale.

**In reference to independent claims 39,** the claim recites similar limitations to those of independent claim 1, and therefore is rejected under similar rationale.

**In reference to independent claims 41,** the claim recites similar limitations to those of independent claim 39, and therefore is rejected under similar rationale.

***Allowable Subject Matter***

6. Claims 36, 40, and 42, are allowable. It is respectfully noted that applicant's argument regarding independent claims 36, 40, and 42, and more specifically, to the web site data retrieved '*pseudo-randomly*' from a predetermined web site data subset corresponding to at least a portion of the description" is not shown in the prior art of record and would not have been obvious to one of ordinary skill in the art to have modified Bernardo to come up with the combination of features disclosed in Applicant's independent claim.

***Response to Arguments***

7. Applicant's argument's filed 7/20/04 have been fully and carefully considered but they are not persuasive.

It is respectfully noted that applicant's incorporation of dependent claim 17 into independent claim 1 and dependent claim 35 into independent claim 19, changes the scope of the claim's limitations when interpreted as a whole. Therefore, the instant rejections have been adjusted accordingly.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

December 29, 2004



STEPHEN HONG  
SUPERVISORY PATENT EXAMINER